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NOTICE OF ALLOWANCE AND FEE(S) DUE

22242 7590 06/21/2010

FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

CHOI, LING SU

ART UNIT

PAPER NUMBER

1796

DATE MAILED: 06/21/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/567,260	02/06/2006	Alexander Kraus	5942/87209	3600

TITLE OF INVENTION: STATISTIC COMB POLYMERS, METHOD FOR PRODUCING THE SAME AND THEIR USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/21/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail **Mail Stop ISSUE FEE**
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450
or Fax **(571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

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120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

Certificate of Mailing or Transmission

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/567,260 02/06/2006

Alexander Kraus

5942/87209

3060

TITLE OF INVENTION: STATISTIC COMB POLYMERS, METHOD FOR PRODUCING THE SAME AND THEIR USE

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	09/21/2010

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHOI, LING SIU	1796	526-319000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
- 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____

Typed or printed name _____ Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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SUITE 1600
CHICAGO, IL 60603-3406

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 520 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 520 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/567,260

Applicant(s)

KRAUS ET AL.

Examiner

Ling-Siu Choi

Art Unit

1796

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 04/30/2010.
2. ☒ The allowed claim(s) is/are 1-27.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413)
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

/Ling-Siu Choi/
Primary Examiner, Art Unit 1796

DETAILED ACTION

1. The request filed on 04/30/2010 for a Request for continued Examination (RCE) under 37 CFR 1.114 based on parent Application No. 10/567,260 is acceptable and a RCE has been established. An action on the RCE follows.
2. This Office action is in response to the Amendment and the Declaration, both being filed 04/30/2010. Claims 1-27 are now pending, wherein claims 1-12 and 27 are drawn to a suspension and claims 13-26 are drawn to a method to prepare an aqueous suspension.

Allowable Subject Matter

3. Claims 1-27 are allowed.
4. The following is an examiner's statement of reasons for allowance:
The present claims are allowable over the closest references: Ma et al. (US 6,117,921).

Summary of Claim 1:

A suspension comprising an aqueous suspension of solids and a CCT dispersant comprising random comb polymers obtained by free-radical copolymerization according to catalytic chain transfer (CCT) method of

A	vinyl poly(alkylene oxide) compound (A) of the general formula	
$R^1-O-(C_mH_{2m}O)_{n-1}-C_mH_{2m}-Z$		
R ¹	hydrogen, a C ₁₋₂₀ -alkyl radical, a cycloaliphatic C ₅₋₂₀ -cycloalkyl radical, a substituted or unsubstituted C ₆₋₁₄ -aryl radical,	
m	2 - 4,	
n	1 - 250,	
Z	<div>$\begin{array}{c} \text{O} \\ \\ Y - C - C = C_mH_{2m'} \\ \\ C_nH_{2n'+1} \end{array}$</div>	
Y	O or NR ² ,	
R ²	hydrogen, a C ₁₋₁₂ -alkyl radical, a C ₆₋₁₄ -aryl radical, -C _m H _{2m} -(O-C _m H _{2m}) _{n-1} OR ¹ ,	
m'	1 - 4	
n'	0 - 2,	
B	an ethylenically unsaturated monomer compound (B) of the general formula	
<div>$\begin{array}{c} R^4 \quad R^6 \\ \diagdown \quad \diagup \\ C = C \\ \diagup \quad \diagdown \\ R^3 \quad R^5 \end{array}$</div>		
R ³	H, CH ₃ , COOH or a salt thereof, COOR ⁷ or CONR ⁷ R ⁷ ,	
R ⁴	H, a substituted or unsubstituted C ₆₋₁₄ -aryl radical,	
R ⁵	H, CH ₃ , COOH or a salt thereof, COOR ⁷ , CONR ⁷ R ⁷ , a substituted or unsubstituted aryl radical or OR ⁸ , PO ₃ H ₂ , SO ₃ H, CONH-R ₉ ,	
R ⁶	H, CH ₃ or CH ₃ COOR ₇ ,	
R ⁷	H, C ₁₋₁₂ -alkyl, C ₁₋₁₂ -hydroxyalkyl, C ₁₋₁₂ -alkylphosphate or phosphonate or a salt thereof, C ₁₋₁₂ -alkylsulfate or -sulfonate or a salt thereof,	

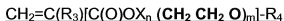
		$C_mH_{2m}-(O-C_mH_{2m})_{n-1}-OR^1$,
	R^8	acetyl and
	R^9	C_{1-12} -alkylphosphate or-phosphonate or a salt thereof, C_{1-12} -alkylsulfate or -sulfonate or a salt thereof,
	R^3 and R^5 together optionally form $-O-CO-O-$,	
the CCT dispersant is in an amount effective for providing the suspension with better water reduction capacity than with a non-CCT dispersant used in the same amount and the CCT dispersant is a comb polymer having the same monomers as the non-CCT dispersant which is not obtained by a CCT method.		

Summary of Claim 13:

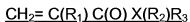
A method for making an aqueous suspension comprising solids and a CCT dispersant, the method comprising mixing particulate solids, water and a CCT dispersant, the CCT dispersant comprising random comb polymers obtained by free-radical copolymerization according to <u>catalytic chain transfer (CCT) method</u> of		
A	vinyl poly(alkylene oxide) compound (A) of the general formula	
	$R^1-O-(C_mH_{2m}O)_{n-1}-C_mH_{2m}-Z$	
	R^1	hydrogen, a C_{1-20} -alkyl radical, a cycloaliphatic C_{5-20} -cycloalkyl radical, a substituted or unsubstituted C_{6-14} -aryl radical,
	m	2 - 4,
	n	1 - 250,
	Z	$ \begin{array}{c} O \\ \\ Y-C-C=C_mH_{2m'} \\ \\ C_nH_{2n'+1} \end{array} $
	Y	O or NR^2 ,

		R^2	hydrogen, a C ₁₋₁₂ -alkyl radical, a C ₆₋₁₄ -aryl radical, $-C_mH_{2m}-(O-C_mH_{2m})_{n-1}OR^1$,
		m'	1 – 4
		n'	0 - 2,
B	an ethylenically unsaturated monomer compound (B) of the general formula		
	$\begin{array}{c} R^4 \quad R^6 \\ \diagdown \quad \diagup \\ C = C \\ \diagup \quad \diagdown \\ R^3 \quad R^5 \end{array}$		
	R^3	H, CH ₃ , COOH or a salt thereof, COOR ⁷ or CONR ⁷ R ⁷ ,	
	R^4	H, a substituted or unsubstituted C ₆₋₁₄ -aryl radical,	
	R^5	H, CH ₃ , COOH or a salt thereof, COOR ⁷ , CONR ⁷ R ⁷ , a substituted or unsubstituted aryl radical or OR ⁸ , PO ₃ H ₂ , SO ₃ H, CONH-R ₉ ,	
	R^6	H, CH ₃ or CH ₃ COOR ₇ ,	
	R^7	H, C ₁₋₁₂ -alkyl, C ₁₋₁₂ -hydroxyalkyl, C ₁₋₁₂ -alkylphosphate or phosphonate or a salt thereof, C ₁₋₁₂ -alkylsulfate or -sulfonate or a salt thereof, $C_mH_{2m}-(-O-C_mH_{2m})_{n-1}-OR^1$,	
	R^8	acetyl and	
	R^9	C ₁₋₁₂ -alkylphosphate or-phosphonate or a salt thereof, C ₁₋₁₂ -alkylsulfate or -sulfonate or a salt thereof,	
	R^3 and R^5 together optionally form -O-CO-O-.		

Ma et al. disclose a graft copolymer dispersant and a method to make it, the dispersant having a backbone portion and at least one sidechain portion, wherein (A) both portions are prepared from ethylenically unsaturated monomers; (B) the sidearm portion is hydrophilic and the backbone portion is hydrophobic: the sidearm portion being derived from a non-ionic hydrophilic or water soluble monomer having the formula



wherein $n = 0$ or 1 ; $m = 1$ to 100 ; X = an alkyl, aryl, or alkylaryl diradical C_{1-9} connecting group; $\text{R}_3 = \text{H}$ or CH_3 ; and $\text{R}_4 = [\text{H}$ and C_{1-4} alkyl groups]; the hydrophobic portion being prepared from at least one monomer having the following formulae:



$\text{R}_1 = [\text{H}$ and $\text{CH}_3]$; $X = [\text{N}$ and $\text{O}]$; when $X = \text{N}$, R_2 and $\text{R}_3 = [\text{H}$, substituted alkyl, substituted aryl, substituted alkylaryl, unsubstituted alkyl, unsubstituted aryl and unsubstituted alkylaryl groups] provided that either R_2 or R_3 contains at least one aryl or alkylaryl group; when $X = \text{O}$, R_2 does not exist and $\text{R}_3 = [\text{substituted aryl, substituted alkylaryl groups, unsubstituted aryl and unsubstituted alkylaryl groups}]$; and $\text{R}_4 = [\text{substituted aryl, substituted alkylaryl groups, unsubstituted aryl and unsubstituted alkylaryl groups}]$ (claims 1-2 and 13). Ma et al. further disclose that diaquabis(borondifluorodiphenyl glyoximate) cobaltate (II), a catalytic chain transfer agent, is used in polymerizing the non-ionic hydrophilic monomer and the hydrophobic monomer, (col. 6, lines 48-67; Example 1). However, Ma et al. do not teach or fairly suggest the claimed suspension and the method to make it, wherein the suspension comprises, in particular, a dispersant obtained by the free-radical copolymerization of a specific vinylic poly(alkylene oxide) and a specific ethylenically unsaturated monomer according to catalytic chain transfer (CCT), wherein the dispersant is a comb polymer and has a better water reduction capacity than the corresponding dispersant obtained

according to the non-CCT dispersant.

Conclusion

5 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ling-Siu Choi whose telephone number is 571-272-1098. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on 571-272-1114. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

/Ling-Siu Choi/

Primary Examiner, Art Unit 1796

June 15, 2010

Application/Control Number: 10/567,260
Art Unit: 1796

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